

**MINUTES**  
**SANDY CITY COUNCIL MEETING**

Sandy City Hall - Council Chamber Room #211  
10000 Centennial Parkway  
Sandy, Utah 84070

**March 20, 2007**

Meeting was commenced at 7:02 p.m.

**PRESENT:**

**Council Members:** Chairman Dennis Tenney, Vice Chairman Bryant Anderson, Scott Cowdell, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Stephen Smith

**Mayor:** Tom Dolan

**Others in Attendance:** CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Parks & Recreation Director Nancy Shay; Assistant CAO Scott Bond; Council Office Director Phil Glenn; Council Office Manager Pam Lehman; Council Executive Secretary Wendy Densley.

**ABSENT/EXCUSED:**

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Boy Scout Sean Gillespie of Troop #865, and the Pledge was led by Erik Urses, also of Troop #865.

2. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

**PUBLIC HEARING(S):**

3. **The Cottages at the Rose Gardens III Rezoning 7:05 p.m. McNulty**

**Public Hearing** to consider a request submitted by Ryan Button, to rezone approximately 4.20 acres from the OS "Open Space District", to the R-2-10 "Residential District". The rezoning would help facilitate the development of a proposed small lot Traditional Neighborhood Development (TND) subdivision. The property is located at approximately 9126 South 700 East.

**Discussion:** Mike Coulam gave an explanation of the project giving recommendations from the Planning commission for the rezone.

Mr. Ryan Button of RBH Sandstone, LLC, is requesting to rezone approximately 4.20 acres of Sandy City owned property adjacent to the City cemetery from the OS "Open Space District", to the R-2-10 "Residential District". Sandy City concurs with this rezoning request. The property is located at approximately 9126 South 700 East. The subject property is just to the north of the previously approved Cottages @ the Rose Gardens Subdivision, Phase I and Amended Phase II (*see attached master plan map*). The applicant is proposing to develop a small lot Traditional Neighborhood Development (TND) Subdivision. As a result, the R-2-10 "Residential District" will be the zoning district applied to the property with the TND overlay allowed as a conditional use.

The subject property is bordered on the north and west by single family homes within an R-1-8 Zone, and property for the Sandy City Cemetery. The previously approved Cottages @ the Rose Gardens Subdivision, Phase I and Amended Phase II will be located to the south of the proposal. A storage facility occupied by the Parks and Recreation Department, as well as a few commercial businesses abut the eastern portion of the site. The zoning for these areas are currently "Community Commercial".

## ANALYSIS

The Sandy City Land Development Code states the following regarding the proposed R-2-10 District:

*15-03-02 Residential District*

*The Residential R-2 Districts are established to provide a residential environment within Sandy City that are characterized by slightly higher densities than single family districts, single family housing interspersed with two-family housing, a variety of housing sizes, a minimum of vehicular traffic, and quiet residential neighborhoods favorable for family life.*

The applicant is requesting that the property be rezoned after which he would like to purchase it from Sandy City in order to develop a proposed small lot Traditional Neighborhood Development (TND) Subdivision. The proposed R-2-10 Zone would become the zoning district applied to the property, however, the applicant is proposing that a TND overlay be applied to the property as a conditional use. This will allow for single family homes with a minimum lot size of 4,000 square feet. However, the applicant is proposing lots which exceed an average of 6,000 square feet. The proposed rezoning and associated development would help preserve the character of the existing neighborhood, and future neighborhood to the south.

The City's General Plan indicates the following:

*Goal: To design neighborhoods to facilitate neighborhood identity and to preserve the character of the Neighborhoods once established.*

*Policies: Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.*

*Require proposed zoning changes to be in harmony with established neighborhoods.*

Consideration regarding any development on this property should take into account the following issues as part of the subdivision process:

- The property needs to be purchased from Sandy City
- Access and public street requirements
- Project compatibility
- Landscaping, buffering and fencing
- Acceptable grading plan
- Environmental concerns (irrigation, drainage, etc.)

## OTHER CONSIDERATIONS

Sandy City is the current owner of the subject property and city staff concur with the rezoning of the property. However, any future approval of development of the property by the applicant is contingent upon his successfully negotiating for its purchase from the City.

## STAFF RECOMMENDATION

Staff recommend that the proposed Cottages @ the Rose Gardens III Rezoning from the OS "Open Space District" to the R-2-10 "Residential District" be approved based upon the following findings:

1. The proposed rezoning is in compliance with the Sandy City General Plan and Land Development Code.
2. The proposed rezoning is in harmony with the goals of the Housing Element of the General Plan in providing a variety of housing types and choices.

3. The R-2-10 “Residential District” would be consistent with the zoning approved for the Cottages @ the Rose Gardens, Phase I and Amended Phase II, to the south of the proposal.
4. The actual built density for the subject property or any proposed development is based upon final subdivision approval and how compatible the proposed development is with the physical layout of the property and all City ordinances.
5. All site concerns as well as those listed in the staff report will be considered and worked out prior to final subdivision approval.
6. Development at the subject location can be compatible with the surrounding area.
7. The Administration and City Council will determine the sale of the property when appropriate.

**Tim Soffe**, ASWN + Architects, 5151 South 900 East, explained that the requested zone for the 4.2 acres proposed for purchase from Sandy City, will match that of the other two phases of the Cottages at the Rose Gardens Subdivision.

**Chairman Tenney opened the public hearing.**

**Paul Zabriskie** , 9120 South. 568 East, expressed his concern for the close proximity of the proposed houses of this project will to his back fence. Mr. Zabriskie's main concern is his loss of privacy. His deck sits 8 feet off the ground. With the houses being two story houses, he is concerned the top floor windows will be looking onto his deck.

**Julie Watson**, 9142 South 510 East, asked if the developer could provide the construction crew with a porta potty. She was concerned that the workers would not have adequate restroom facilities.

**Tim Soffe** commented on the concern of Mr. Zabriskie. He explained that the proposed house plans fall within restrictions of the zone changes. All lots will have a 6 foot fence, fully landscaped front, side, and rear yards, certain shrubs and bushes that will also be included to provide for privacy in the rear yards.

**Chris McCandless** asked if a restriction of floor plans of those certain lots would help with Mr. Zabriskie's concern for the loss of privacy.

**Ryan Button** of RBH Sanstone, LLC– 194 West Albion Village way – explained that the design of the two story homes is not typical of two story homes, having a higher roof line with the windows sitting lower on the walls.

**Scott Cowdell** questioned why the property is being zoned R-2-10, “Residential District”. Mr. Cowdell is concerned that it should be R-1-8, single family.

**Steve Smith** asked how long the original parcel has been zoned R-2-10.

**Mike Coulam** stated to his knowledge, that the questioned property has been zoned R-2-10 for a long period of time. Mr. Coulam also stated there have been several public hearings regarding this project.

**Bryant Anderson** asked what the current zone of the property was. Also if any of the floor plans could be changed so the windows would no longer be looking in the direction of the concerned backyard.

**Tim Soffe** reported the fences that will be built are 6 ft high, with adequate privacy. Should the owner request further privacy or plant coverage, the developer would be willing to provide it.

**Chairman Tenney closed the public hearing as there were no further comments.**

**Motion:** **Chris McCandless made the motion to have documents brought back to rezone approximately 4.20 acres from the OS “Open Space District” to the R-2-10 “Residential District”.**

**Second:** **Stephen Smith**

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**Substitute motion:** Scott Cowdell made a motion to deny the R-2-10 "Residential District" rezoning and to send this item back to the Planning Commission to reconsider an R-1-8 Zone with the standard 20 feet set backs on the 4.2 acres of property.

**Second:** Linda Martinez-Saville

**Vote:** Cowdell – Yes, Saville – Yes, Smith – No, McCandless - No, Anderson – No, Fairbanks –No, Tenney – No.

**Motion Denied:** two in favor, five opposed.

**Vote on original motion:** McCandless – Yes, Smith – Yes, Anderson –Yes, Cowdell - No, Fairbanks - Yes, Saville - No, Tenney - Yes.

#### **COUNCIL ITEMS:**

**4. Quarry Bend Park Resolution [\$730,000]**

**Resolution #07-15 C** – A resolution transferring funds within the Capital Projects Funds.

**Discussion:** Art Hunter explained that after receiving all the bids for the Quarry Bend Park Project, they were higher than what was budgeted. Mr. Hunter explained there are contingency funds available for projects of this nature.

**Motion:** Bryant Anderson made the motion to adopt Resolution #07-15 C – transferring funds within the Capital Project Funds.

**Second:** Chris McCandless

**Vote:** Smith – Yes, McCandless – Yes, Anderson – Yes, Cowdell – Yes, Fairbanks – Yes, Saville – Yes, Tenney – Yes,

**Motion Approved:** All member voted yes, motion passed.

**5. "Non Depository Institutions, Supplementary Regulations"**

**Ordinance #07-11** – amending Sections 15-05-01 (B), "Commercial Land Use Matrix", 15-05-02(B), "Residential Land Use Matrix", 15-13-21, "Non-Depository Institutions, Supplementary Regulations".

**Motion:** Stephen Smith made a motion to adopt Ordinance #07-11 amending Sections 15-05-01 (B), "Commercial Land Use Matrix", 15-05-02(B), "Residential Land Use Matrix", 15-13-21, "Non-Depository Institutions, Supplementary Regulations".

**Second:** Chris McCandless

**Vote:** Smith – Yes, McCandless – Yes, Anderson – Yes, Cowdell – Yes, Fairbanks – NO, Saville – Yes, Tenney – Yes,

**Motion Approved:** six in favor, one opposed. Motion passed.

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**6. Approving the February 20, 2007 and the February 27, 2007 City Council Meeting**

**Motion:** Stephen Smith made a motion to approve the February 20, 2007 and the February 27, 2007 City Council Meeting Minutes as written.

**Second:** Bryant Anderson

**Vote:** The Council voted unanimously in the affirmative to the motion.

**7. MAYOR'S REPORT:**

a. **Mayor Dolan**, reported on the City Amphitheatre summer acts. The Community Events Department is working hard trying to get a few big names on the schedule for this summer season. They are also working with Fred Lampropolus with a possible sponsorship of a show.

**8. CAO'S REPORT:**

a. **Byron Jorgenson** reported that he spoke with the developer of the Cottages to see if they could get porta potty's for the construction workers as soon as possible.

- b. **Rick Smith** reported that the stop signs have been installed at 9400 South and Monroe Street. Reports have come in that people are having problems making left turns at the freeway intersection at 9000 South. Mr. Smith also reported that UDOT has installed some cameras on the State Street for the duration of the construction project, and adjusted the timing on certain stop lights.
  - c. **Byron Jorgenson** reported that the park restrooms will be opened March 26<sup>th</sup>.
  - d. **Byron Jorgenson** reported that the graffiti numbers throughout the city are rising again, and workers will try to have it removed by the next day.
  - e. **Byron Jorgenson** reported it was time to get bids for the auditing company. The current auditors, Wisan, Smith, Racker and Prescott, have been with the City for 5 years. The same company is again the low bid.
  - f. **Byron Jorgenson** gave an update on the Fire Station 32 construction. It is about 1 week ahead of schedule. The Fire crews have temporarily moved to 9400 S. 1220 East.
9. **COUNCIL OFFICE DIRECTOR'S REPORT:**
- a. **Phil Glenn** reported that the applications for the National League of Cities and Towns are due by April 9<sup>th</sup>. The current council members who are members of the committee are Steve Fairbanks and Bryant Anderson. They both indicated that they would like to remain on the committee. [Mr. Tenney made the motion to have Bryant Anderson and Steve Fairbanks remain on the National League of Cities and Towns Committee, all council members in favor].
  - b. In regards to the Alta Quadrant meeting previously scheduled for April 10, 2007, some information is still needed and key City officials will be out of town. He reported that the REAL referendum, signatures due in April 9<sup>th</sup>, and the School District (on or before May 15<sup>th</sup>) study results are needed before that Quadrant meeting. He suggested moving the quadrant meeting to later a date in May.
  - c. Submitted a draft budget to the budget committee. He also reported to the Council that some security changes for the Council Office are still planned within near future.
10. **OTHER COUNCIL BUSINESS:**
- a. **Linda Martinez-Saville** introduced a neighbor of hers, Bret Mower, 319 Susan Circle, who was curious if there is a charge for the removal of graffiti off of a business property fence or building. Byron Jorgenson responded that there was no charge for the removal.
  - b. **Dennis Tenney** gave a brief report on the recent National League meeting in Washington, D.C., and reported that additional funding the Federal Government has allocated for the CDBG Budget.

**At approximately 8:00 p.m., Chris McCandless made a motion to adjourn Council Meeting, motion seconded by Steve Smith.**

**The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.**

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**Dennis B. Tenney**  
Council Chairman

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**Wendy Densley**  
Council Office Executive Secretary